

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**May 10, 2023**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: David Edward Johnson

Case Number: 0980 2:18CR00018-WFN-1

Address of Offender: [REDACTED] Mead, Washington 99021

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: March 25, 2019

Original Offense: Felon in Possession of Firearms and Ammunition, 18 U.S.C. §§ 922(g)(1), 924(a)(2)

Original Sentence: Prison - 37 months  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: David Michael Herzog

Date Supervision Commenced: December 22, 2021

Defense Attorney: Federal Defenders Office

Date Supervision Expires: December 21, 2024

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**PETITIONING THE COURT**

To **issue a warrant** and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 4/20/2023.

On December 27, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Johnson, as outlined in the judgment and sentence. He signed the judgment acknowledging his understanding of the conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

- 10      **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On or about April 17, 2023, David Johnson allegedly violated special condition number 3 by consuming marijuana.

On April 17, 2023, Mr. Johnson was subject to phase urinalysis testing at Pioneer Human Services (PHS) when his assigned color was identified for testing. The offender provided a urine sample that tested presumptive positive for marijuana, but denied any marijuana use.

On April 23, 2023, the laboratory confirmed the urine sample provided by the offender on April 17, 2023, was in fact positive for marijuana.

- 11      **Standard Condition #3:** You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

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**Supporting Evidence:** On or about May 7, 2023, David Johnson allegedly violated standard condition number 3 by traveling outside the Eastern District of Washington without requesting or receiving permission.

On May 8, 2023, the U.S. Probation Office (USPO) received notification that the offender had been contacted by troopers with the Oregon State Patrol (OSP) on May 7, 2023. According to the information received, after being contacted by law enforcement, Mr. Johnson was associated with a warrant for a 2010 delivery of marijuana charge; that warrant was reportedly issued on July 13, 2012.

On May 9, 2023, after speaking with an attorney, Mr. Johnson sent the undersigned officer a text message. In that message, the offender stated he had been instructed by the attorney to notify this officer in writing that he had traveled to Seaside, Oregon, for a "last minute trip" over the weekend. Additionally, the text message advised that upon his return from Seaside, he had been "pulled over for speeding on the highway;" the offender although failed to mention he had been cited and released on an outstanding warrant and provided with a court date.

Later that date, on May 9, 2023, the offender reported to the USPO to meet with this officer. When asked about his unauthorized travel outside of the district in which he did not even attempt to request permission, Mr. Johnson refused to answer questions per the attorney's advice.

The U.S. Probation Office respectfully recommends the Court to **issue a warrant** and incorporate the violations contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/10/2023

s/Amber M.K. Andrade

Amber M.K. Andrade  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.



Signature of Judicial Officer

May 10, 2023

Date